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THE INTERIM

DECEMBER 1994 HELENA, MONTANA VOL. IX NO. 19

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LEGISLATIVE COUNCIL

LIBRARY

Library to Sponsor Workshop...On January 5 and 12 from 7 p.m. to 9 p.m. in Room 108, State Capitol (tentative location), Beth Furbush, Research Librarian, and Judy Meadows, State Law Librarian, will conduct a workshop to provide basic information on the Montana legislative process and legal research. Topics covered will include how a bill becomes law, legislative information sources, and determining legislative intent.

For more information, contact the Legislative Council Library at 444-3064.

LEGISLATIVE AUDITOR

Audit Committee Meets...The Legislative Audit Committee met November 17 in Room 437 of the Capitol Building. The following reports were presented:

FINANCIAL-COMPLIANCE AUDITS:

Office of Governor and Lieutenant Governor

A financial audit of the Office of the Governor and Lieutenant Governor was performed for the two fiscal years ending June 30, 1994. The report contains one recommendation regarding the reporting of the activities of the Board of Pardons to the Legislature. An unqualified opinion was issued on the financial statements contained in the audit report.

Office of the Secretary of State

A financial audit of the Secretary of State was performed for the two fiscal years ending June 30, 1994. The report contains one recommendations regarding cash management. An unqualified opinion was issued on the financial statements contained in the audit report.

Montana Historical Society

A financial-compliance audit of the Montana Historical Society was performed for the two fiscal years ending June 30, 1994. An unqualified opinion was issued on the financial schedules presented in the report. The report contains one recommendation concerning the recording of Society assets. A prior report contained one recommendation regarding controls over museum store inventory that the Society has partially implemented.

Montana Health Facility Authority, Department of Commerce

A financial-compliance audit of the Montana Health Facility Authority was performed for the two fiscal years ending June 30, 1994. The report does not contain any recommendations. However, the report does contain background information relating to the Authority's financing programs. An unqualified opinion was issued on the financial statements contained in the audit report.

Board of Public Education

A financial-compliance audit of the Board of Public Education was performed for the two fiscal years ending June 30, 1994. The report contains one recommendation regarding the establishment of budget authority for rent and related expenditures. An unqualified opinion was issued on the financial schedules contained in the audit report.

Montana School for the Deaf and Blind

A financial-compliance audit of the Montana School for the Deaf and Blind was performed for the two fiscal years ending June 30, 1994. The report contains eight recommendations for improvement in the school's operation. These recommendations address compliance with contracts, state laws and federal regulations, student employment, and student accounts. An unqualified opinion was issued on the financial schedules contained in the audit report.

PERFORMANCE AUDIT:Air Quality Program, Department of Health and Environmental Sciences

The overall audit objective of this performance audit was to determine if programs were in place to accomplish the Department of Health

and Environmental Sciences Air Quality Division's mission "to protect public health and safety..." The Division is responsible for administering the Clean Air Act of Montana. The audit found that the organizational structure and staff assignments provide management with the capability to prioritize air quality requirements viewed as the most significant. Audit findings and recommendations reflect areas in ambient air monitoring, air quality permitting, inspection and compliance monitoring, and enforcement that require additional emphasis to assure that the intent of the Clean Air Act is met.

ELECTRONIC DATA PROCESSING AUDIT:

Information Processing Facility and Central Applications

The annual electronic data processing (EDP) audit of the state's centralized data processing systems covers central controls over the state's mainframe computer, state payroll, warrant writer, and the Statewide Budgeting and Accounting System (SBAS). The report contains recommendations concerning mainframe computer operations, SBAS, and state payroll, each operated by the Department of Administration. No recommendations were made concerning the warrant writer system, operated by the State Auditor's Office.

CONTRACTED AUDITS:

Montana Board of Housing

A financial-compliance audit of the Montana Board of Housing was performed for the fiscal year ending June 30, 1994. The audit was conducted by Olness and Associates, PC, and the report contains no recommendations.

Montana State Lottery, Financial Statements

A financial-compliance audit of the Montana State Lottery, financial statements was performed for the year ending June 30, 1994. The observations were conducted by Olness and Associates, PC, and the report contains no recommendations.

Montana State Lottery, Report on Montana Cash Drawings

A financial-compliance audit of the Montana State Lottery, report on Montana Cash Drawings was performed for the year ending June 30, 1994. The observations were conducted by Anderson, ZurMuehlen and Company, PC, and no recommendations were made.

To Meet in December...The next meeting of the Legislative Audit Committee is scheduled to be held December 19. The Environmental

Quality Council will be meeting jointly with the Legislative Audit Committee to discuss hard rock mining regulation in the Reclamation Division of the Department of State Lands.

WATER POLICY COMMITTEE

To Meet in December...The Water Policy Committee will meet Friday, December 16 in Room 104 of the State Capitol.

Final Recommendation To Be Made...The Committee will make a final recommendation regarding the late claims issue, at the December meeting. At the August meeting, the Committee made a preliminary recommendation to grant no additional forfeiture remission to late water claim filers beyond the remission granted in SB 310. The Committee reviewed written public comments and took additional public testimony regarding this issue at its October meeting.

Will Finalize Report...The Committee will also review and finalize draft sections for its report to the 1995 Legislature. These 1993-94 work plan sections include instream flows; weather modification; water data management; the state water plan; water quality nondegradation; the water development program; wilderness dams; state dam operation and maintenance; water research; and state drought response.

For more information on these issues, please contact the EQC staff at 444-3742.

ENVIRONMENTAL QUALITY COUNCIL

EQC Meets in November...The Environmental Quality Council met on November 16 in the Capitol Building.

Hazardous Waste Study/Working Group Proposes Legislation...Staff presented an update from the Hazardous Waste Management Working Group's (HWMWG) October meeting. The Council reviewed proposed legislation recommended by the HWMWG and directed the staff to develop additional legislation dealing with how compliance records of permits holders are used by the DHES to evaluate new permit

applications. The Council will review and take final action on the hazardous waste study at the December meeting.

Regulatory Enforcement Subcommittee Reports... The Regulatory Subcommittee met for one-half day and submitted its report to the full Council. The Subcommittee was charged with identifying state regulatory enforcement statutes that it believed should be changed during the 1995 session. The Subcommittee, with extensive public involvement, reviewed three DHES draft bill proposals prepared in response to the recent performance audit. The Subcommittee expressed interest in the concepts presented, noted its concerns with some of the specific language, and suggested that the DHES continue to refine the proposals. The Subcommittee will again review these proposals at its December meeting and make a recommendation regarding possible EQC endorsement or sponsorship to the full Council.

Council Discusses Other Issues... Other issues discussed included an update on the transportation energy efficiency study; a MEPA case law update; and a discussion regarding the nondegradation rules and outstanding resource water classification.

Meets Jointly With Audit Committee... On November 17, the EQC held a joint meeting with the Legislative Audit Committee to review the DHES Air Quality Division performance audit and receive an update on the Water Quality Division performance audit.

To Meet in December... The Environmental Quality Council will meet on Monday and Tuesday, December 19 and 20. The Council again plans on meeting jointly with the Legislative Audit Committee to receive a performance audit on the DSL Hard Rock Bureau. Other agenda items include: a continuation of the regulatory enforcement study; a continuation of the hazardous waste study; an update on forestry "best management practices" implementation; a panel discussion regarding the constitutional implications of the state's new nondegradation policy; and an update on the environmental indicators project.

For more information on these issues, please contact the EQC staff at 444-3742.

LEGISLATIVE FINANCE COMMITTEE

Budget Report To Be Presented... The LFA report, *Budget Analysis for the 1997 Biennium* will be presented to a joint meeting of the Legislative

Finance Committee, House Appropriations Committee, and Senate Finance and Claims Committee on January 2 at 9:00 a.m., in Room 325 of the State Capitol. The Committees will also hear a presentation of the *Governor's Executive Budget*.

A limited number of copies of the LFA budget analysis report will be distributed to legislators and state agencies at no charge. Agencies with a need for additional copies and interested non-state entities will be able to purchase the reports from the Legislative Council Distribution Center beginning on January 2. The number of reports available for purchase will be limited. Specific sections of the report can be copied by the distribution center at a per page cost.

Committee Meets in November...The Legislative Finance Committee met in Helena on November 18 to hear a number of reports and take action on a number of issues, including those discussed below.

Budget Amendments Approved...The Committee reviewed 13 budget amendment requests, adding \$0.8 million spending authority and 2.8 FTE in fiscal 1995, and determined that all of the requests met the statutory criteria. The budget amendments include \$0.7 million federal and \$0.1 million state special revenue spending authority. Total budget amendment requests reviewed by the Committee for the 1995 biennium, plus those approved in House Bill 4 in the 1993 Session, amounted to \$41.4 million and 45.5 FTE.

Senate Bill 378 Study Recommendations Adopted...The Committee adopted the recommendations of the Subcommittee on SB 378 (review of state special revenue accounts and statutory appropriations), with minor revisions, at the September meeting. The LFC made additional revisions to the proposed legislation that is designed to reduce the amount of earmarking and reduce the use of statutory appropriations to fund agency operating expenses. Additional action taken will result in a Committee bill that would de-earmark all revenue sources in the school equalization account and transfer them to the general fund, with school equalization funding to come entirely from the general fund.

Hears SRS Update...The Committee heard an update from Peter Blouke, Director of the Department of Social and Rehabilitation Services, on human services cost estimates for the 1997 biennium and on the status of development of managed care contracts. A report on these two issues was required by House Bills 33 and 34 from the 1993 Special Session. Dr. Blouke estimated a \$52 million increase in state Medicaid expenditures over the estimated 1995 biennium expenditures.

Hears Report on Implementation of Senate Bill 32...The November Special Session passed Senate Bill 32 that revamped the employee incentive program to allow agencies to carry forward 30 percent of

appropriation authority unexpended during the original authorization period that had been authorized for personal services, operating costs, and equipment costs. The Committee received an LFA report on the status of carry forward appropriation authority requests. Several agencies have requested that carry forward appropriation authority be established, but there is no established deadline for submitting the requests. The Committee passed a motion requesting the Office of Budget and Program Planning to report at the June 1995 Committee meeting on the status of all activities associated with Senate Bill 32, overall program direction, and any program successes or failures.

LFC to Meet in January...The Committee set January 2 as the date for its next meeting the purpose of which will be to hear the LFA Budget Analysis and the Executive Budget proposal.

JOINT COMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET

Committee Adopts Recommendations...During its final meeting of the 1995 interim, the Joint Committee on Postsecondary Education Policy and Budget (PEPB) heard a report from Dr. Jeff Baker, Commissioner of Higher Education, and Rod Sundsted, Associate Commissioner for Fiscal Affairs, entitled "Montana University System Cost of Education Targets." The study concluded that: 1) the New Mexico model for determining the costs of education was valid in Montana for allocating funds to the units of the Montana University System (MUS); and 2) if Montana's costs of higher education were to reach parity with peer states by fiscal 1999, expenditures per student would have to increase by a quarter of the difference each year, resulting in total general fund and tuition increases of approximately \$1,000 to \$2,000 per student between fiscal 1995 and fiscal 1996.

Following the report and Committee discussion, the PEPB voted to make the following four recommendations to the 1995 Legislature:

- 1) The PEPB endorsed the proposed enrollment management concept. This concept envisions requiring units of the MUS to estimate enrollment within 1 percent for non-resident students and 2 percent for residents. Any tuition received from students in excess of the capped number would revert to the Board of Regents. If resident enrollment fell below the estimated number, the appropriation for the shortfall would be reverted to the general fund.

- 2) The PEPB endorsed "lump sum funding," with funds appropriated to the Board of Regents for allocation to the MUS units. The allocation is to be weighted according to the method establishing salaries and student/faculty ratios presented in the "Cost of Education" study.
- 3) The PEPB endorsed the concept of allocation as presented in the "Cost of Education" study, but it did not endorse the specific costs per student detailed in the study.
- 4) The PEPB recommended that legislation and funding be approved to continue the PEPB.

The PEPB discussed, but took no action on, issues of tuition appropriation, accountability measures, and incorporation of the community colleges into the university system.

THE BACK PAGE

Electronic media for information retrieval and storage are currently transforming traditional library research methods. In response to these developments, the Montana Legislative Council Library is evaluating and adapting the procedures used to facilitate access to the up-to-date, relevant research needed by the Montana Legislature. Electronic technology offers exciting possibilities for easier and more effective avenues to information from other states, such as 50-state surveys, as well as to data from the federal government and numerous other research institutions.

This month's "Back Page" presents a brief survey of recent developments in technology for gathering and storing information and the place of the Council Library in this changing environment.

THE COUNCIL LIBRARY CONFRONTS THE INFORMATION HIGHWAY

by Beth Furbush

Advances in two main areas of information technology have affected Legislative Council Library operations over the past decade. Long distance modem connections to remote computers have enabled access to large data bases and have opened new possibilities in communication. At the same time, developments in electronic media, including the Council network and commercial and internally produced compact disk (CD) products, are offering new storage and access options.

REMOTE DATA BASE ACCESS

Access to remote data bases of subject indexes by modem was first used for reference purposes by the Council Library in 1984 and reliance on these resources has steadily increased since that time. One early data base which remains important to our work is the National Council of State Legislatures' (NCSL's) LEGISNET, a collection of state reports, many in full text, that are searchable by subject. In 1988, the Council gained inexpensive access to the LEXIS online collection of state and federal statutes and case law as part of the contract allowing Mead Data Central to provide the MCA through its data base. Presently, the Library also uses WESTLAW (similar subject coverage to LEXIS), MONTLAW (Montana law), COMPUSERVE (a general collection of data bases and communication tools), and most recently, the Internet, a global network

of computer networks. Numerous other data bases are accessed on an occasional basis.

Connection to these resources enables searches for specific terms in a vast array of publications. The Internet, especially, makes it possible to access a wide variety of data bases, including federal statistics, other states' legislative materials, library catalogs, and periodical indexes. In addition to the scope of the materials available, the speed with which information comes online is impressive. For example, U.S. Supreme Court decisions are often available in full text a few hours after they are issued. The challenge with such a rich and growing array of information sources is to locate relevant information in the most efficient fashion.

ELECTRONIC COMMUNICATIONS

In addition to data bases, remote electronic connections allow the development of bulletin board systems (BBS) and discussion groups. NCSL currently maintains a BBS through which legislative staff can ask questions of their counterparts from other states and, in turn, respond to queries from others. At present, not enough states are using the BBS on a regular basis to ensure that a query will get an adequate response. However, NCSL is working on a new system (NCSLNET) that will improve the communication system and facilitate searching of LEGISNET and the Internet by state legislators and staff.

Throughout the U.S. and the world, people are increasingly connecting to the Internet. The Council Library is accessing the Internet through the pilot project in the State Library offered by the Department of Administration's Information Services Division (ISD). Since neither the ISD nor the Council currently has computer staff available to maintain a service node on the Internet, the Council Library uses accounts with service vendors that provide search and file retrieval capabilities and a mailbox. Through these connections, the Library can send and receive electronic documents and communications internationally.

Electronic mailing lists on the Internet, called "listservs", are proving especially useful. Documents and messages can easily and inexpensively be sent to a large group of interested persons. Listservs relevant to library and government technology issues can be monitored for the latest trends and developments. Through these discussion groups, questions can be posed to a large number of subject experts and answers or other information can be widely disseminated.

To what extent, then, is this technology currently useful to the Council Library? Legal data bases have certainly transformed the speed with which requests for federal and state legal and legislative information can be

filled. Other resources are proving to be valuable timesavers for transmitting and receiving information, but some that offer promise have not yet demonstrated practical utility. At present, the searcher may spend more time and get less relevant information online than by using traditional methods. Still, access methodologies are improving rapidly, and it seems that the role of technology in information access will only increase. Preparing for the future requires maintaining and increasing facility in using electronic technologies and continually reevaluating processes and procedures in the light of current conditions as the possibilities offered by the technologies come closer to realization.

CHANGING STORAGE OPTIONS

New storage options for electronically available information are also affecting Council Library operations. Much information formerly available only in printed form is now available electronically on a computer drive or a CD. In electronic format, a massive amount of information can be stored in a small space and the information is more accessible because the entire document can be searched for a specific term or combination of terms.

The Library has investigated a number of such documents; at the moment, the CD versions of the MCA and the United States Code, an electronic encyclopedia (with online access to updates), and "Lasercat" (combined catalogs of Pacific Northwest libraries) are being used. The federal government is publishing more and more of its data on CD--the Council Library currently holds the "National, Economic, Social and Environmental Data Bank" and postsecondary education data on CD. The Council staff has also recognized an opportunity for CD storage of Montana legislative committee minutes.

Increasingly, documents created electronically--other state agency reports, internal memos, federal documents, electronic journals, etc.--are arriving in electronic format. Space considerations, expanded searching options, and multi-user access possibilities urge the development of electronic storage and access methods. The Council currently stores electronic documents on the computer network available to all Council staff and is moving toward network access to information stored on CDs. While retaining the search capabilities of traditional cataloging techniques, the Library needs to take full advantage of the added points of access available in full text data bases through enhanced procedures and/or new software.

PERSPECTIVES

How do these developments fit within the national and Montana perspectives? As noted above, the federal government is moving ahead rapidly with electronic publication of documents and with providing electronic access to information. In some cases, federally funded programs are directing that data be accessible via the Internet. Many states are adopting electronic systems for state information. California, for example, is making its codes and legislative information available over the Internet, and a number of other states are taking steps toward Internet access to their information.

States are also working to promote citizen access to electronic information and to the Internet through various methods and at varying prices. In Montana, the state BBS is becoming an important access point for state agency information. (Much legislative information for the 1995 session will be available to Montanans via an 800 number on the state BBS.) Plans to connect the BBS with the Internet are still being developed, although METNET (the Montana Educational Telecommunications Network) will be connected shortly. The ISD, through the SUMMITNET project, is enabling Internet connections and developing plans for significant improvements to the state telecommunications backbone. Schools, libraries, and the business community are keeping close tabs on these developments to ensure that Montana citizens can readily communicate with the world.

Several Montana state agencies with significant need to obtain or provide material through the Internet (including many state agency libraries) have already implemented Internet connections. Examples of agencies providing Internet access to their own information are Travel Montana in the Department of Commerce and the State Library's Natural Resources Information System. Grass-roots efforts in a number of Montana communities (including Helena, Libby, Kalispell, Missoula, and Bozeman) are offering Internet connections to subscribers. And the small Montana town of Hall has recently received a federal grant to connect its schoolhouse to the Internet.

In the midst of all this change, the challenge to the Council Library and other research institutions remains that of evaluating methods of access to information resources and selecting those that achieve results efficiently and cost-effectively. The procedures chosen must enable reliable and effective location of needed information with no dilution of traditional standards of efficiency, relevance, thoroughness, currency, or reliability. If these standards are to be upheld in the future, the Library must be prepared to appropriately respond to whatever format changes come along on the information highway.



**INTERIM
CALENDAR**

UNLESS OTHERWISE SPECIFIED,
ALL ROOM DESIGNATIONS ARE IN THE CAPITOL

DECEMBER

December 1, Revenue Oversight Committee, Room 104

December 16, Water Policy Committee, Room 104

December 19, Legislative Audit Committee, Room 104

December 20, Environmental Quality Council

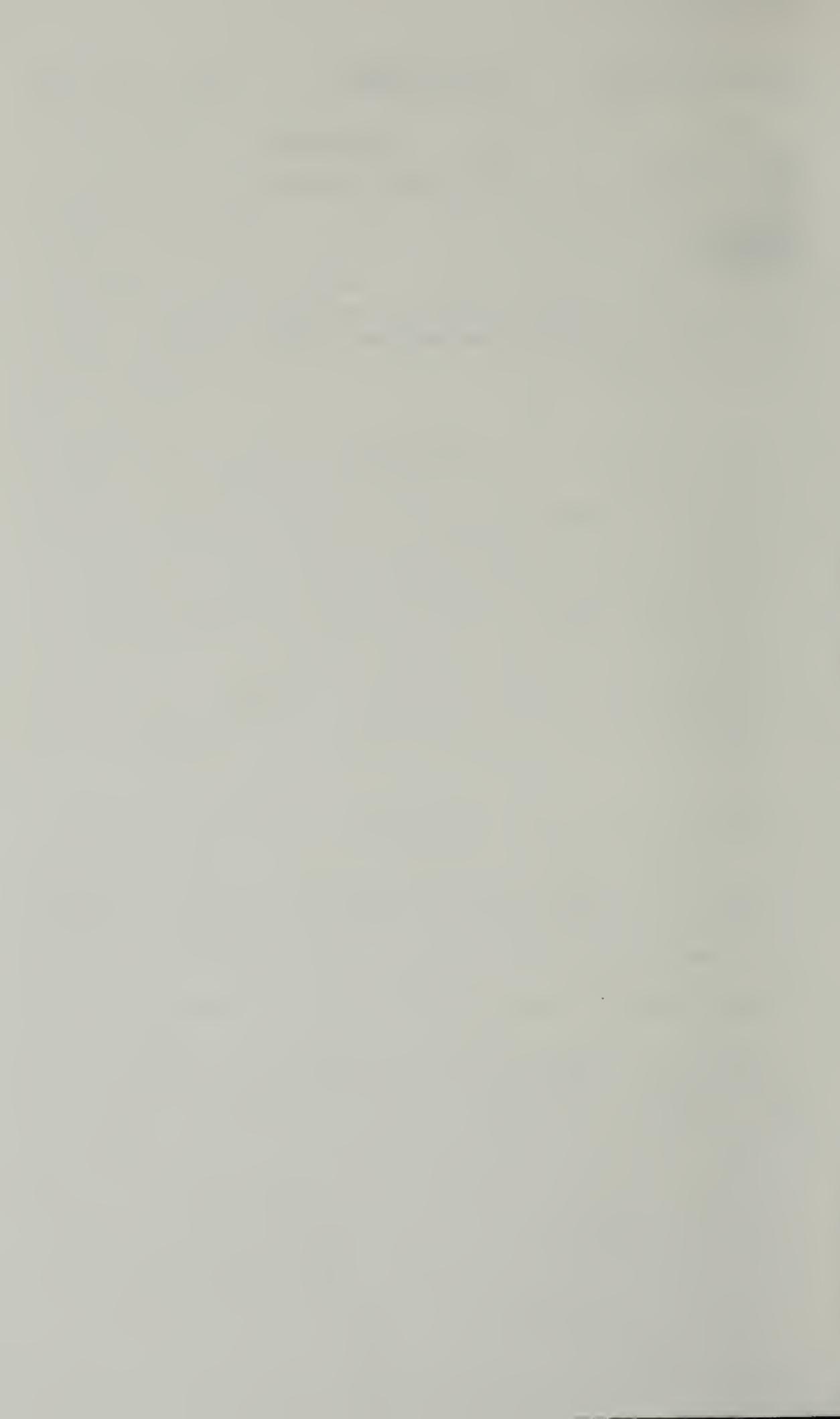
December 26, Christmas observed, holiday

JANUARY

January 2, Legislative Finance Committee, House Appropriations Committee, and Senate Finance and Claims Committee, Room 325, 9 a.m.

January 2, 54th Montana Legislature convenes, 12 Noon

January 4, Legislative Oversight Committee on Montana-ARCO Litigation, Conference Room, Old Livestock Building, 7 a.m.



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